



Decision \_\_\_\_\_

**FILED**

10-24-16  
04:43 PM

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking Concerning Energy Efficiency Rolling Portfolios, Policies, Programs, Evaluation, and Related Issues	Rulemaking 13-11-005 (Filed November 14, 2013)
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**INTERVENOR COMPENSATION CLAIM OF NATURAL RESOURCES DEFENSE COUNCIL (NRDC) AND DECISION ON INTERVENOR COMPENSATION CLAIM OF NRDC**

<b>Intervenor:</b> NRDC	<b>For contribution to Decision (D.)</b> 15-10-028
<b>Claimed:</b> \$20,293.75	<b>Awarded:</b> \$
<b>Assigned Commissioner:</b> Carla Peterman	<b>Assigned ALJ:</b> Julie Fitch
I hereby certify that the information I have set forth in Parts I, II, and III of this Claim is true to my best knowledge, information and belief. I further certify that, in conformance with the Rules of Practice and Procedure, this Claim has been served this day upon all required persons (as set forth in the Certificate of Service attached as Attachment 1).	
<b>Signature:</b>	/s/ Lara Ettenson
<b>Date:</b> 10/24/16	<b>Printed Name:</b> Lara Ettenson

**PART I: PROCEDURAL ISSUES (to be completed by Intervenor except where indicated)**

<b>A. Brief description of Decision:</b>	This decision gives policy guidance on several issues related to the filing of energy efficiency business plans, as previously contemplated in Decision 15-10-028, which set up the framework for the energy efficiency Rolling Portfolio process. The decision addresses next steps for regional energy networks, the appropriate baselines to be used to measure energy savings for specific programs and measures, transition for statewide and third-party programs, and changes to the evaluation and shareholder incentive frameworks.
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**B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:**

	<b>Intervenor</b>	<b>CPUC Verified</b>
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference (PHC):	December 11, 2013	
2. Other specified date for NOI:	n/a	
3. Date NOI filed:	January 10, 2014	
4. Was the NOI timely filed?		

<b>Showing of customer or customer-related status (§ 1802(b)):</b>		
5. Based on ALJ ruling issued in proceeding number:	R.14-07-002	
6. Date of ALJ ruling:	December 18, 2014	
7. Based on another CPUC determination (specify):	n/a	
8. Has the Intervenor demonstrated customer or customer-related status?		
<b>Showing of “significant financial hardship” (§ 1802(g)):</b>		
9. Based on ALJ ruling issued in proceeding number:	R.14-07-002	
10. Date of ALJ ruling:	December 18, 2014	
11. Based on another CPUC determination (specify):	n/a	
12. Has the Intervenor demonstrated significant financial hardship?		
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	D.16-08-019	
14. Date of issuance of Final Order or Decision:	August 25, 2016	
15. File date of compensation request:	October 24, 2016	
16. Was the request for compensation timely?		

**C. Additional Comments on Part I (use line reference # as appropriate):**

#	Intervenor’s Comment(s)	CPUC Discussion
1	This claim covers all items referenced in the decision (e.g., statewide, third party, EM&V, etc.) but does not yet cover work related to the business plan development as those are due January 15, 2017.	

**PART II: SUBSTANTIAL CONTRIBUTION (to be completed by Intervenor except where indicated)**

**A. Did the Intervenor substantially contribute to the final decision (*see* § 1802(i), § 1803(a), and D.98-04-059). (For each contribution, support with specific reference to the record.)**

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
(B) AB 802 and related policies	<ul style="list-style-type: none"> <li>• While not noted in the decision, NRDC proposed a review of repair-eligible equipment, which was referenced but then deferred to collaboratives for discussion. <ul style="list-style-type: none"> <li>○ NRDC Comments 5/17/16 Attachment C</li> <li>○ D.16-08-019 (p.40)</li> </ul> </li> <li>• NRDC commented that the AB 802 framework should be as clear as possible and prepared a table that attempts to summarize all aspects of the proposal in a complete and consistent format in order to support this objective. While PG&amp;E's table of default baseline policy was included in the decision, NRDC substantively contributed to the record on this matter. <ul style="list-style-type: none"> <li>○ NRDC Comments 5/17/16 Attachment A</li> <li>○ D.16-08-019 (p. 49)</li> </ul> </li> <li>• NRDC commented that the AB 802 process should employ the "dynamic baseline" approach instead of the traditional after-the-fact qualitative net-to-gross studies to assess how these programs are impacting the market. <ul style="list-style-type: none"> <li>○ NRDC Comments 5/17/16 (p.4)</li> <li>○ D.16-08-019 (p.18): "We note that other methods can be used to estimate net impacts...as also discussed in NRDC's comments."</li> <li>○ D.16-08-019 (p.19): "We encourage program administrators, staff, and other stakeholder to work together to consider alternative approaches to evaluating free ridership..."</li> <li>○ D.16-08-019 (p.39): "These programs may also be appropriate to use a</li> </ul> </li> </ul>	

	dynamic baseline approach, as suggested by NRDC...”	
<i>(C)Third party and statewide programs (including codes and standards advocacy)</i>	<ul style="list-style-type: none"> <li>NRDC strongly opposed removing goals and tracking for codes and standards, noting the importance the C&amp;S efforts are to providing cost-effective savings to customers as well as to meet our SB 350 doubling efficiency goals. The Commission revised its proposal to maintain the codes and standards focus. <ul style="list-style-type: none"> <li>NRDC Comments 8/8/16 (p.3-6) and 8/15/16 (p.2-3)</li> <li>D.16-08-019 (p.28-30)</li> </ul> </li> <li>NRDC noted that there are a lot of ways that third parties are able to work with/support the efficiency programs and we would not want to see the efforts minimized solely because it did not fit the new definition of third party. While the reference is in response to Nexant comments, NRDC made similar statements. <ul style="list-style-type: none"> <li>NRDC Comments 6/17/16 (p.12)</li> <li>D.16-08-019 (p.72)</li> </ul> </li> <li>NRDC suggested there should not be one statewide implementer. The decision removed the requirement for a single implementer for programs. <ul style="list-style-type: none"> <li>NRDC Comments 6/17/16 (p.8-9)</li> <li>D.16-08-019 (p.51 &amp; 61)</li> </ul> </li> <li>NRDC suggested statewide programs be piloted and that downstream should not be part of that efforts. The decision landed on pilots for downstream, which in part addresses NRDC’s concerns. While the decision notes PG&amp;E comments on the matter, NRDC made similar arguments. <ul style="list-style-type: none"> <li>NRDC Comments 6/17/16 (p.11)</li> <li>D.16-08-019 (p.59-60)</li> </ul> </li> <li>NRDC urged any statewide effort to be coordinated with POU’s, the final decision includes language to that effect. <ul style="list-style-type: none"> <li>NRDC Comments 6/17/16 (p.7 &amp; 9)</li> <li>D.16-08-019 (p.104)</li> </ul> </li> </ul>	

(D) EM&V	<ul style="list-style-type: none"> <li>While the decision did not approve NRDC's recommendation for a review and assessment of other jurisdictional EM&amp;V best practices, the contribution was considered, supported by parties, and was a substantive addition to the discussion. <ul style="list-style-type: none"> <li>NRDC Comments 6/24/16 (p.2)</li> <li>D16-08-019 (p.77)</li> </ul> </li> <li>NRDC did not support raising the percent of budget allocated to 5%. The decision agreed. <ul style="list-style-type: none"> <li>NRDC Comments 6/24/16 (p.3)</li> <li>D16-08-019 (p.79)</li> </ul> </li> </ul>	
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**B. Duplication of Effort (§ 1801.3(f) and § 1802.5):**

	Intervenor's Assertion	CPUC Discussion
<b>a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?<sup>1</sup></b>	Yes	
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	Yes	
<b>c. If so, provide name of other parties:</b> PG&E, SCG, SDG&E, SCE, TURN, ORA, MCE, CA Energy Efficiency Council, and Southern California Regional Energy Network.		
<b>d. Intervenor's claim of non-duplication:</b> NRDC's advocacy was not duplicative as we worked closely to discuss areas of synergies prior to filing comments. In addition, NRDC is uniquely positioned as an environmental group, providing recommendations with somewhat different focus than a number of other parties. Our time claimed are for substantive contributions that were either additive or supplemental to other parties. All calls with other parties were focused on resolving key issues ahead of time and were kept as brief as possible.  In addition, NRDC took steps to ensure no duplication of work within our organization by assigning specific issues, tasks, and workshops/meetings to one team member. In fact, only Ms. Lara Ettenson's time is claimed for overall work as the proceeding lead and Mr. Miller's work on the technical aspects of AB 802 and EM&V. However, additional senior advocates (e.g., Sheryl Carter and Merrian Borgeson among others) provided meaningful contributions to comments and strategy development.		

<sup>1</sup> The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

**C. Additional Comments on Part II (use line reference # or letter as appropriate):**

#	Intervenor's Comment	CPUC Discussion

**PART III: REASONABLENESS OF REQUESTED COMPENSATION (to be completed by Intervenor except where indicated)**

**A. General Claim of Reasonableness (§ 1801 and § 1806):**

<b>a. Intervenor's claim of cost reasonableness:</b>  NRDC consistently advocates for policies to maximize cost-effective procurement and use of clean energy resources, ensure that the benefits of clean energy resources are properly accounted for, and that policies and goals align to enable the utilities to use clean energy as their first energy resource choice (as required by California law). NRDC's continued focus in this and other proceedings is on policies that ensure a reliable, affordable, and environmentally sustainable energy resource portfolio that should have lasting benefits to customers. In addition, NRDC continually works to increase collaboration to reduce disagreement prior to filing formal comments.	<b>CPUC Discussion</b>
<b>b. Reasonableness of hours claimed:</b>  The substantial contributions to Commission policy and process described above would not have been possible without the individual contributions of NRDC staff leads. We ensured reasonable amount of hours are claimed by assigning one person per major topic, with minimal time spent by other staff focused predominately on enhancing NRDC's substantive arguments. Lara Ettenson was the lead for the efficiency proceeding and Peter Miller led the technical components.  The amounts claimed are further conservative for the following reasons: (1) No time is claimed for internal coordination, only for substantive policy development; (2) we do not claim time for the majority of substantive review by NRDC staff, even though their expertise was critical to ensuring productive recommendations and substantive improvements to NRDC's positions and formal filings; and (3) we claim no time for travel or any other related fees.  In addition, the rates requested by NRDC are purposefully conservative and low on the ranges approved by the Commission, even though the levels of expertise of would justify higher rates. NRDC maintained detailed time records indicating the number of hours that were devoted to proceeding activities. All hours represent substantive work related to this proceeding.  In sum, NRDC made numerous and significant contributions on behalf of environmental and customer interests, all of which required research and analysis. We took every effort to coordinate with other stakeholders to reduce duplication and increase the overall efficiency of the proceeding. Since our work was efficient, hours extremely conservative, and billing rates low, NRDC's request for compensation should be granted in full.	

<b>c. Allocation of hours by issue:</b>		
A	11%	
B	59%	
C	28%	
D	2%	

**B. Specific Claim:\***

CLAIMED						CPUC AWARD		
<b>ATTORNEY, EXPERT, AND ADVOCATE FEES</b>								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
L. Ettenson Expert	2016	51.25	\$185	D.16-10-012	\$9,481.25			
P. Miller	2015	14	\$195	D.16-02-023	\$2,730.00			
P. Miller	2016	40.50	\$195	D.16-02-023	\$7,897.50			
<b>Subtotal: \$20,108.75</b>						<b>Subtotal: \$</b>		
<b>OTHER FEES</b>								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
n/a					n/a			
<b>INTERVENOR COMPENSATION CLAIM PREPARATION **</b>								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
L. Ettenson Expert	2015	2.0	\$92.50	D.16-10-012	\$185.00			
<b>Subtotal: \$185.00</b>						<b>Subtotal: \$</b>		
<b>COSTS</b>								
#	Item	Detail			Amount	Amount		
	n/a				n/a			
<b>TOTAL REQUEST: \$20,293.75</b>						<b>TOTAL AWARD: \$</b>		
<p>**We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor's records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate</p>								
<b>ATTORNEY INFORMATION</b>								

Attorney	Date Admitted to CA BAR <sup>2</sup>	Member Number	Actions Affecting Eligibility (Yes/No?)
n/a			

**C. Attachments Documenting Specific Claim and Comments on Part III (Intervenor completes; attachments not attached to final Decision):**

Attachment or Comment #	Description/Comment
Attachment 1	Staff Hours and Issue Areas

**D. CPUC Disallowances and Adjustments (CPUC completes):**

Item	Reason

**PART IV: OPPOSITIONS AND COMMENTS**  
**Within 30 days after service of this Claim, Commission Staff or any other party may file a response to the Claim (*see* § 1804(c))**

**(CPUC completes the remainder of this form)**

<b>A. Opposition: Did any party oppose the Claim?</b>	
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If so:

Party	Reason for Opposition	CPUC Discussion

<b>B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?</b>	
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If not:

Party	Comment	CPUC Discussion

<sup>2</sup> This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.



### **FINDINGS OF FACT**

1. Intervenor [has/has not] made a substantial contribution to D. \_\_\_\_\_.
2. The requested hourly rates for Intervenor's representatives [as adjusted herein,] are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses [as adjusted herein,] are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$ \_\_\_\_\_.

### **CONCLUSION OF LAW**

1. The Claim, with any adjustment set forth above, [satisfies/fails to satisfy] all requirements of Pub. Util. Code §§ 1801-1812.

### **ORDER**

1. Intervenor is awarded \$ \_\_\_\_\_.
2. Within 30 days of the effective date of this decision, \_\_\_\_\_ shall pay Intervenor the total award. [for multiple utilities: "Within 30 days of the effective date of this decision, ^, ^, and ^ shall pay Intervenor their respective shares of the award, based on their California-jurisdictional [industry type, for example, electric] revenues for the ^ calendar year, to reflect the year in which the proceeding was primarily litigated."] Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning [date], the 75<sup>th</sup> day after the filing of Intervenor's request, and continuing until full payment is made.
3. The comment period for today's decision [is/is not] waived.
4. This decision is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

## Attachment 1: Staff Hours

A	General review of docs or overarching writing					
B	AB 802					
C	Third party/statewide (3P/SW), including codes and standards advocacy					
D	EM&V					
Date	Description	A	B	C	D	Total Hours
<b>Lara Ettenson - 2016</b>						
02/01/16	Review materials from workshop to inform review of P. Miller substantive comments		0.50			0.50
02/05/16	Provide substantive input on P. Miller's informal AB 802 comments (6 pages)		0.50			0.50
4/22-4/29/16	Read the ruling and staff whitepaper on AB 802 (7 pages plus 155 pages)		5.00			5.00
05/13/16	Draft dynamic baseline portion of NRDC comments for ruling on AB 802 (P. Miller wrote the other portions of the comments)		2.50			2.50
05/13/16	Provide substantive input on P. Miller's AB 802 comments (14 pages)		1.00			1.00
05/31/16	read ruling on 3P/SW (17 pages)			0.75		0.75
05/31/16	draft points for discussion with the team			0.25		0.25
06/02/16	discuss strategy with team (only L. Ettenson time claimed)			0.25		0.25
06/09/16	read ruling on EMV (18 pages)				0.75	0.75
06/13/16	write comments on 3P/SW ruling			4.00		4.00
06/14/16	write comments on 3P/SW ruling			6.00		6.00
06/15/16	write comments on 3P/SW ruling			3.00		3.00
06/16/16	finish comments based on substantive input (18 pages in total)			0.75		0.75
06/20/16	reviewed EMV comments to provide substantive additions and align with NRDC positions (P. Miller wrote the comments)				0.50	0.50
7/19-7/27/16	review PD	1.50	1.00	1.25	0.25	4.00
8/1-8/5/16	discussions with stakeholders re: codes and standards portion of the PD to coordinate responses to reduce duplication			2.00		2.00
8/1-8/6/16	write NRDC opening comments (9 pages)	0.25		5.00	0.50	5.75
8/7-8/8/16	finalize comments based on substantive input by team (time not claimed for them)	0.25		0.50		0.75
8/8-8/12/16	review stakeholders opening comments (22 sets of comments)	10.00				10.00
8/12-8/15/16	write reply comments, incorporating substantive feedback from colleagues			3.00		3.00
		A	B	C	D	51.25
	<b>LAE Total Hours 2015 (Claimed \$/hr)</b>	<b>12.00</b>	<b>10.50</b>	<b>26.75</b>	<b>2.00</b>	<b>51.25</b>
\$ 9,481.25	<b>% issue area</b>	<b>23%</b>	<b>20%</b>	<b>52%</b>	<b>4%</b>	<b>100.0%</b>

A	General review of docs or overarching writing					
B	AB 802					
C	Third party/statewide (3P/SW), including codes and standards advocacy					
D	EM&V					
Date	Description	A	B	C	D	Total Hours
<b>Peter Miller - 2015</b>						
11/5/15	Read staff whitepaper and workshop docs		2.00			2.00
11/06/15	Attend existing Conditions Baselines Savings Potential Technical Analysis workshop		5.00			5.00
11/10/15	Discuss issues and possibility of joint comments		0.50			0.50
11/12/15	Prepare initial draft of comments on whitepaper		2.50			2.50
11/17/15	Revise draft of comments based on substantive input by internal review		2.00			2.00
11/19/15	Final substantive edits (no time claimed for formal filing)		0.50			0.50
11/24/15	Read other parties comments to inform future advocacy		1.00			1.00
11/30/15	Meet with other NRDC staff to discuss issues (no time claimed for other NRDC staff)		0.50			0.50
		A	B	C	D	14.00
	<b>% issue area</b>	<b>0%</b>	<b>14.00%</b>	<b>0%</b>	<b>0%</b>	<b>14.00%</b>
\$ 2,730.00	<b>% issue area</b>	<b>0%</b>	<b>100%</b>	<b>0%</b>	<b>0%</b>	<b>100%</b>
<b>Peter Miller - 2016</b>						
01/05/16	Read AC and ALJ Ruling on HOPPs (although approved in a ruling, there was no place to claim for this time except for here)		0.50			0.50
01/26/16	Attend Commission workshop		7.00			7.00
01/27/16	Attend Commission workshop		6.00			6.00
2/2-2/4/16	Draft informal comments		3.50			3.50
02/05/16	Meet with other NRDC staff to discuss comments (no time claimed for other NRDC staff)		0.50			0.50
2/8-2/10/2016	Revise/edit comments based on substantive review by NRDC colleagues		2.50			2.50
02/24/16	Internal meeting to discuss next steps on AB802 (only claiming P. Miller hours)		0.50			0.50
02/24/16	Call with TURN to discuss coordination on AB802 guidance		0.50			0.50
02/26/16	Call with ORA to discuss coordination on AB802 guidance		0.50			0.50
4/25/2016	Review ALJ Ruling and Whitepaper (7 pages plus 155 pages of attachment)		5.50			5.50
4/29/2016	Review Revised whitepaper		0.50			0.50
5/9/2016	Prepare initial outline of comments		0.75			0.75
5/10/2016	Internal meeting to discuss comments (only claiming P. Miller hours)		0.50			0.50
5/11/2016	Revise outline of comments based on substantive discussion with NRDC team. Circulate to parties for input and attempt to minimize		0.75			0.75
5/16/2016	Drafting comments on Whitepaper		3.50			3.50
5/17/2016	Revise and finalize comments		1.50			1.50
5/19/2016	Read parties opening comments, ultimately decided not to file replies but used information for continuing discussions		2.00			2.00
5/30/2016	Read reply comments to inform future advocacy efforts		1.00			1.00
6/14/2016	Review ALJ Ruling			0.75		0.75
6/14/2016	Outline comments			0.75		0.75
6/17/2016	Draft comments			1.00		1.00
6/23/2016	Finalize comments based on substantive feedback			0.50		0.50
		A	B	C	D	40.50
	<b>% issue area</b>	<b>0%</b>	<b>93%</b>	<b>7%</b>	<b>0%</b>	<b>100.0%</b>
\$ 7,897.50	<b>% issue area</b>	<b>0%</b>	<b>94%</b>	<b>6%</b>	<b>0%</b>	<b>54.50</b>
<b>TOTAL</b>						